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BOOK REVIEWS.

HANDBOOK OF EQUITY JURISPRUDENCE. By NORMAN FETTER.
Hornbook Series. St. Paul, Minn.: West Publishing Co.
1895. 463 pages.

In this volume we have the sixth in order of publication of the Hornbook Series, that series of elementary treatises which has already attracted the favorable attention of the profession. The plan of the work is uniform with that of the preceding volumes and offers an admirable method of training for the student, for it gives him an analytical view of the subject under discussion, which is very apt to make a fixed impression upon his mind. The treatment of equity jurisprudence in this particular work presents a fresh appearance in the following arrangement:

Nature and Definition; Doctrines; Grounds for Relief; Property in Equity; Remedies; Reformation, Cancellation and Quieting Title; Ancillary Remedies.

This arrangement, it may be said, while lending itself readily to the treatment of elementary equity is somewhat forced. It puzzles one a little, for instance, to understand why "Reformation, Cancellation and Quieting Title" should form a general division of the work.

The author has made free use of the works of others upon his subject, though full credit seems to have been given for that use, the arrangement of "Maxims," for example, being expressly credited to Judge Phelps. There is, however, plenty of original work manifest throughout, and the relation between the text and notes is especially well balanced.

The reviewer is obliged, however, to dissent from the author upon one very important particular, and that is in his definition of equity. He defines equity as "that portion of natural justice susceptible of judicial enforcement, which was either not recognized at all by the common law or inadequately enforced by reason of its cramped procedure." Now,

"natural justice" is a very misleading term, and only tends to confuse the student. The justice, which is administered in courts of law and equity, is founded almost, if not entirely, upon the rights and obligations of individuals as members of society, and is more exactly defined as "civil" justice. The definition given would also lead the student to suppose that the common law and equity divided between them definitely and enforced the whole field of natural justice, which cannot, of course, be possible. The author has followed the later rather than the earlier writers in this portion of his work and in the writer's opinion has gone astray. The Pennsylvania lawyer misses also in the chapter on the "Jurisdiction of Equity over Crimes," a reference to the article on "Equity Jurisdiction as Applied to Crimes and Misdemeanors," by the late Richard C. McMurtrie, Esq., which was published in Vol. 31 of the REGISTER AND REVIEW, page 1.

After carefully scanning the work as a whole, however, one realizes with a feeling of pleasure and satisfaction that a progressive and practical, if not profound, work has been added to the literature on this subject.

R. P. BRADFORD.

COMMENTARIES ON THE LAW OF INJUNCTIONS, as Determined by the Courts and Statutes of England and of the United States. By CHARLES FISK BEACH, Jr., of the New York Bar. Author of "Modern Equity Jurisprudence," "Modern Equity Practice," &c., &c. In Two Volumes. Albany: H. B. Parsons, Law Publisher. 1895.

The author of this work is so well and so favorably known to the profession, that his name on the title-page of a book is a sufficient guaranty of its value; and the present volume will be found in no wise to detract from his past reputation. One can but admire, also, the contrast which his brief, modest preface bears to the verbose introduction and magniloquent promises of some far less valuable if more pretentious works. The very modesty of the author is itself an assurance of the successful execution of his task.